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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

11 AMERICAN CIVIL LIBERTIES  
12 UNION FOUNDATION OF  
SOUTHERN CALIFORNIA,

13 Plaintiff,

14 v.

15 UNITED STATES IMMIGRATION  
16 AND CUSTOMS ENFORCEMENT,  
UNITED STATES DEPARTMENT OF  
17 HOMELAND SECURITY,

18 Defendants.

No. 2:22-cv-04760-SHK

~~PROPOSED~~ ORDER RE: CASE  
MANAGEMENT

Note: Change made by the Court

Honorable Shashi H. Kewalramani  
United States Magistrate Judge

1 The Court, having considered the parties' Joint Rule 26(f) Report (ECF 28),  
 2 further discussion at the Case Management Conferences on January 10, 2023, January  
 3 18, 2023, and January 24, 2023, and the parties' agreement regarding supplemental  
 4 releases of records in this Freedom of Information Act ("FOIA") case, and good cause  
 5 appearing therefore, hereby ORDERS as follows:

6 **A. Records Processing and Production Schedule**

- 7 1. Defendants U.S. Immigration and Customs Enforcement ("ICE"), and U.S.  
 8 Department of Homeland Security ("DHS"), Office of Inspector General  
 9 ("OIG") will continue processing potentially responsive records for release  
 10 to Plaintiff American Civil Liberties Union Foundation of Southern  
 11 California's FOIA Request.<sup>1</sup>
- 12 2. Defendant ICE shall review and process no less than 1,000 pages per month,  
 13 and release all responsive non-exempt records and an accounting of any  
 14 withheld records by the 21<sup>st</sup> day of each month. In the event the 21<sup>st</sup> is a  
 15 weekend or holiday, the production will occur on the next Court day.
- 16 3. Defendant OIG shall review and process no less than 1,000 pages per month,  
 17 and release all responsive non-exempt records and an accounting of any  
 18 withheld records by the last Court day of each month.
- 19 4. Defendants shall, through counsel, inform Plaintiff's counsel if the  
 20 locations/databases and/or search terms utilized or searched deviate from  
 21 those locations previously represented as being searched. In the event they  
 22 do, Defense counsel shall provide the new locations/databases and or search  
 23 terms to Plaintiff's counsel at the time of each production.

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 27 <sup>1</sup> As explained in its May 18, 2022 letter to Plaintiff's counsel, DHS has determined  
 28 that the records sought by Plaintiff's FOIA request, should they exist, would be held by  
 OIG and/or ICE.

5. At the conclusion of their review and production, which Defendants currently anticipate will be in May 2023, and prior to filing their motion for Summary Judgment, each Defendant shall provide a *Vaughn* index<sup>2</sup> to Plaintiff.

**B. Dispositive Motion and Trial Schedule**

1. Any motions for summary judgment shall be heard on August 1, 2023, with the following cross-motion briefing deadlines:
  - a. June 6, 2023: Defendants to file their single, combined Motion for Summary Judgment, limited to 7,000 words (*See* L.R. 11-6.1);
  - b. June 20, 2023: Plaintiff to file its Opposition and opening Cross-Motion for Summary judgment, limited to 14,000 words;
  - c. July 5, 2023: Defendants to file their Opposition to Plaintiff's Cross-Motion and Reply, limited to 7,000 words.
  - d. July 18, 2023: Plaintiff to file its Sur Reply, limited to 7,000 words.
2. A one-day bench trial, if necessary, is scheduled for **January 17, 2024 at 8:30 a.m.**

**IT IS SO ORDERED.**

Dated: 2/9/2023




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Honorable Shashi H. Kewalramani  
United States Magistrate Judge

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<sup>2</sup> In FOIA cases, the agency will typically identify the withheld documents and the basis on which they are being withheld by submitting a declaration(s). A *Vaughn* index consists of the government's affidavits (singly or collectively) "identifying each document withheld, the statutory exemption claimed, and a particularized explanation of how disclosure of the particular document would damage the interest protected by the claimed exemption." *Wiener v. F.B.I.*, 943 F.2d 972, 977 (9th Cir. 1991); *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 415 U.S. 977 (1974). The "purpose of the index is to afford the FOIA requester a meaningful opportunity to contest, and the district court an adequate opportunity to review, the soundness of the withholding." *Fiduccia v. U.S. Dep't of Justice*, 185 F.3d 1035, 1042 (9th Cir. 1999) (internal quotation marks omitted).